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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING DEPARTMENT HEARING



Promoting the wise use of land
Helping build great communities

MEETING DATE February 4, 2005	CONTACT/PHONE Inge Lundegaard 805-781-5136r	APPLICANT Meier, Jeff	FILE NO. COAL #04-0372 file # SUB2003-00368
SUBJECT Request by Jeffery Meier for a Lot Line Adjustment to adjust the lot lines between two (2) parcels of 3.5 and 1.5 acres each. The adjustment will result in two (2) parcels of 2.5 and 2.5 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Rural land use category and is located on Lyn Rd. 0.5 miles South of Los Berros community. The site is in the South County planning area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 04-0372 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 5 Categorical Exemption (ED# 04-240) was issued on November 30, 2004			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION none	ASSESSOR PARCEL NUMBER 091-063-036 091-063-035	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None applicable			
LAND USE ORDINANCE STANDARDS: Section 22.22.060 of the Land Use Ordinance			
EXISTING USES: Undeveloped			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Rural/ residences East: Residential Rural/ residences South: Residential Rural/ residences West: Residential Rural/ residences			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner	
TOPOGRAPHY: Level to gentle slopes	VEGETATION: Grasses, brush, scattered trees
PROPOSED SERVICES: Water supply: On-site well/pending annexation to NCSD Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: December 10, 2004

PROJECT HISTORY:

The division of Lot 31 of the Porter Pacific Eucalyptus Tract No. 1 in 1973 (1739/OR/590) and in 1975 (1875/OR/884) was a violation of the County's Lot Division Ordinance and State Subdivision Map Act without the approval and recording of a parcel map or final tract map. A map was required for further division of this parcel, therefore the lot was not legally created.

The applicant applied for a Conditional Certificate of Compliance (Case # C03-0011, File # S020219C) to legalize the lots. A condition of the Certificate of Compliance was to merge the two lots to create a 5 acre parcel, which is the minimum lot size per the zoning. The case was appealed to the Board of Supervisors requesting two parcels be allowed.

The San Luis Obispo County Board of Supervisors upheld the Conditional Certificate of Compliance appeal and the decision of the Subdivision Review Board was partially upheld on June 8, 2004. The Board of Supervisors amended the Conditional Certificate of Compliance requiring that the two parcels be equalized through a lot line adjustment resulting in two parcels of 2.5 acres each.

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
1.5	2.5
3.5	2.5

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the two (2) parcels to more nearly equalize the parcel sizes per condition of Certificate of Compliance.

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As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcel sizes are below minimum parcel size as set through the General Plan and will remain so after the adjustment, staff has concluded that the adjustment is consistent with both state and local law.

LEGAL LOT STATUS:

The two lots were legally created by Conditional Certificates of Compliance at a time when that was a legal method of creating lots.

Staff report prepared by Inge Lundegaard and reviewed by Chuck Stevenson

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FINDINGS - EXHIBIT A

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the resulting parcel configuration is better than prior to approval of lot line adjustment..
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- D. The project qualifies for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15303 because it is a minor lot line adjustment with an average slope of less than 20% that does not result in the creation of any new parcel.

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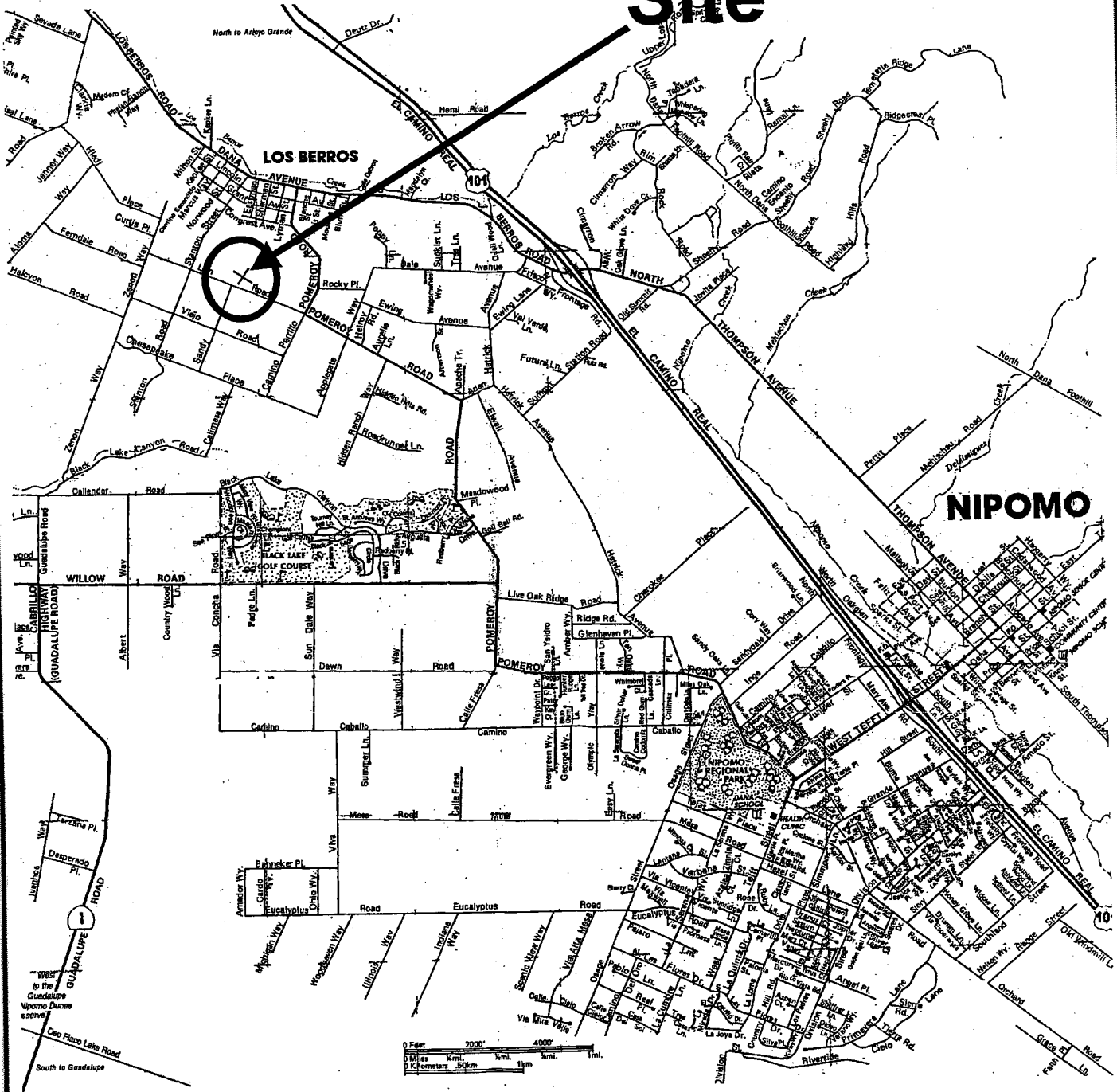
CONDITIONS - EXHIBIT B

1. All conditions of approval of Conditional Certificate of Compliance # C03-0011 shall be met.
2. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
3. Any private easements described in the title report must be shown on the map, with recording data.
4. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
5. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
6. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
7. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
8. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
9. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
10. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
11. All parcels shall be provided with legal access from a public road. Easements or offers of dedication with a minimum width of 20 feet shall be recorded for all parcels that currently do not have access. These shall be shown on a map (if a map is used to final the adjustment) or recorded with the certificates of compliance.

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

Site



PROJECT

Lot Line Adjustment
Meier (SUB2003-00368 COAL 04-0372)

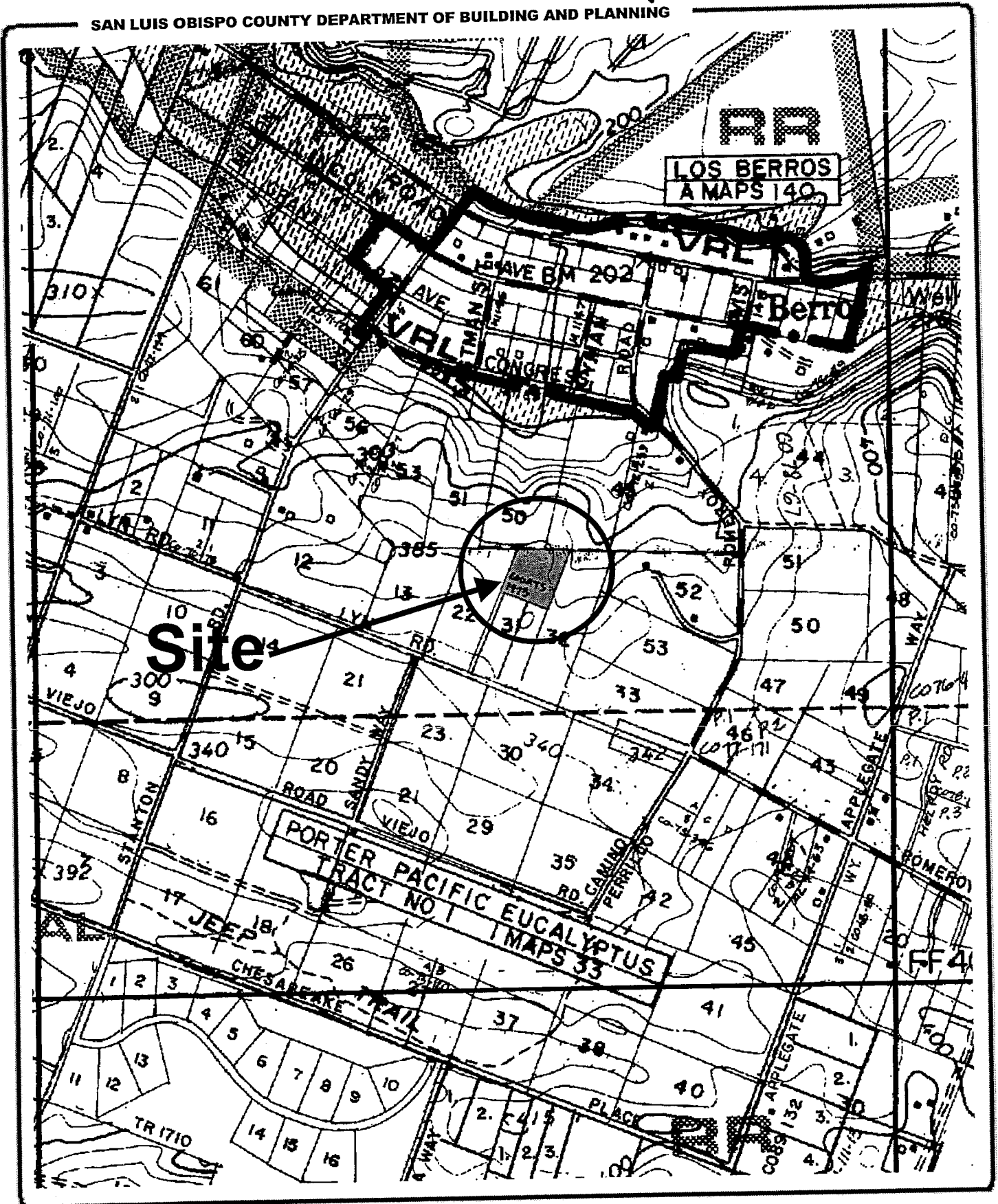


EXHIBIT

Vicinity Map

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Lot Line Adjustment
Meier (SUB2003-00368 COAL 04-0372)

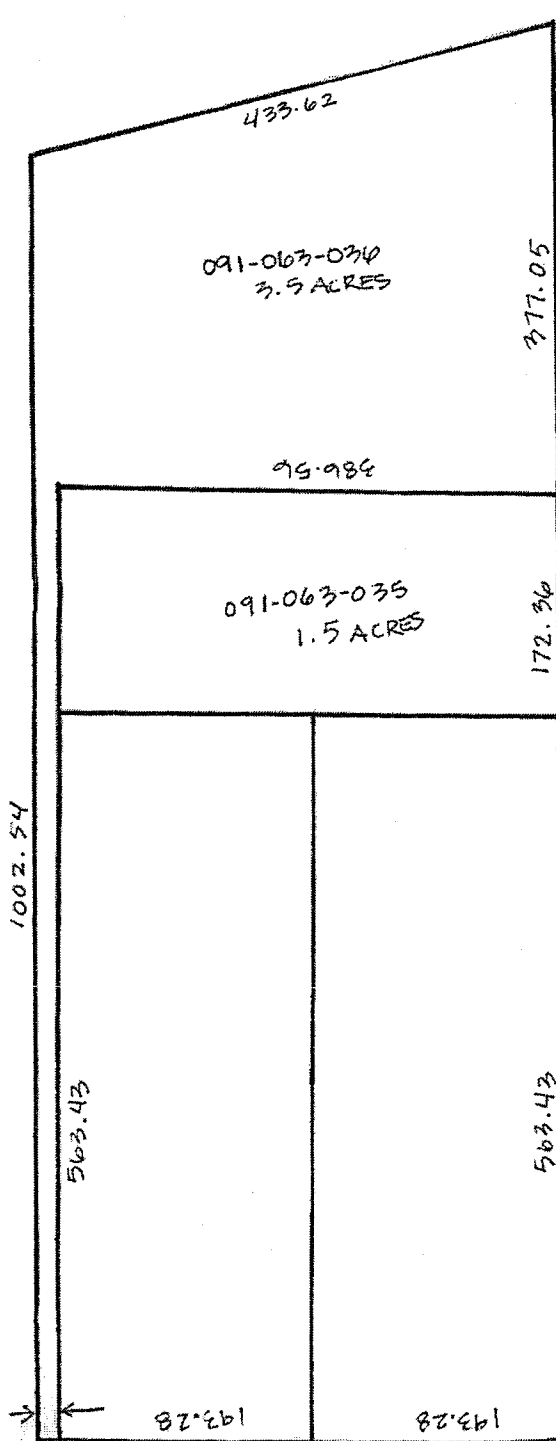


EXHIBIT

Land Use Category Map-RR

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



ORIGINAL

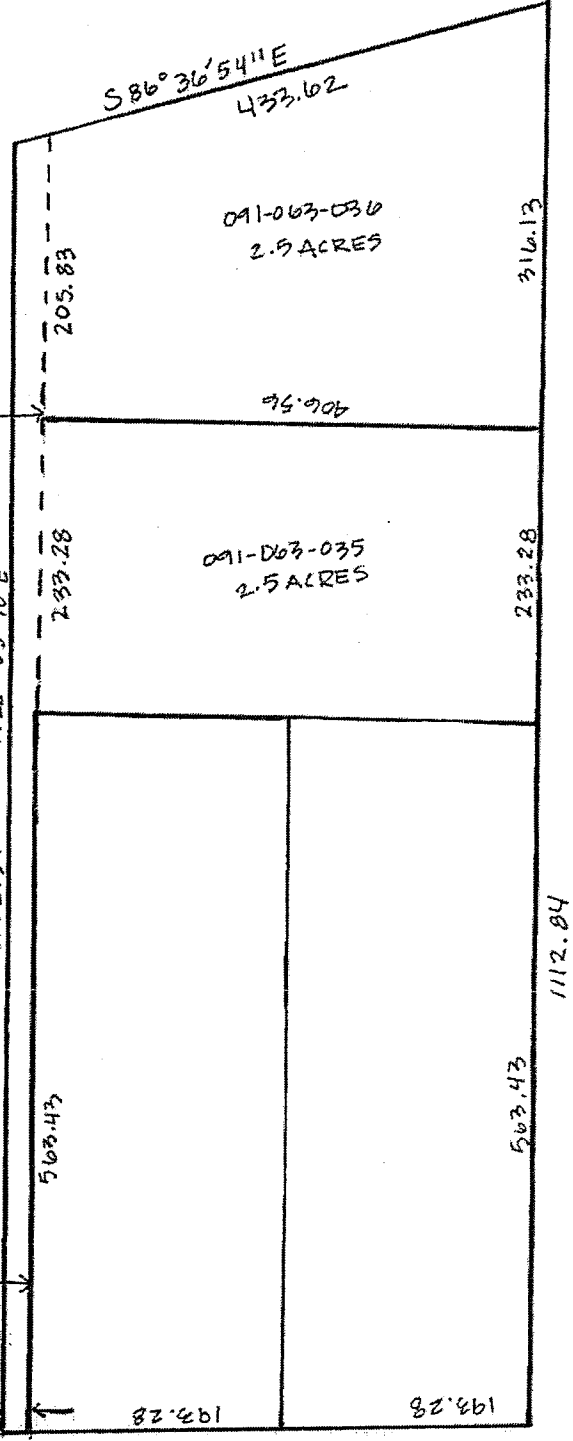
1112.84

20' ACCESS EASEMENT

N 22° 05' 10" E

20' access easement

20



PROPOSED

SITE PLAN

SCALE 1"=100'



PROJECT

Lot Line Adjustment
Meier (SUB2003-00368 COAL 04-0372)



EXHIBIT

Site Plan

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EXHIBIT

Aerial Map



PROJECT

Lot Line Adjustment
Meier (SUB2003-00368 COAL 04-0372)

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